

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

September 8, 2008

TO: Internal File

THRU: James D. Smith, Permit Supervisor *DS ca/15/08*
Steve K. Christensen *SKC.*

FROM: Wayne H. Western, Environmental Scientist III *WHW*

RE: Permit Area Expansion- 240 Acres, Canyon Fuel Company, LLC, Dugout Canyon Mine, C/007/0039, Task ID #3018 (Previous Task ID's #2873 and #2958)

SUMMARY:

On October 25, 2007, the Permittee submitted to the Division an application to expand the permit area by an additional 560 acres. The Division conducted a technical analysis of the application and sent the Permittee deficiencies.

On April 18, 2008, the Division received the Permittee's response to the deficiencies. The Permittee reduced the number of additional acres from 560 to 240. The 320 acres of State Lease ML-50582 was removed.

No additional surface disturbance is associated with this permit expansion application.

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TECHNICAL ANALYSIS:

ENVIRONMENTAL RESOURCE INFORMATION

Regulatory Reference: Pub. L 95-87 Sections 507(b), 508(a), and 516(b); 30 CFR 783., et. al.

PERMIT AREA

Regulatory Requirements: 30 CFR 783.12; R645-301-521.

Analysis:

The Permittee met the requirements of this section. The Permittee listed the additional permit acres in Section 114 of the MRP.

Findings:

The Permittee met the minimum requirements of this section of the regulations.

MAPS, PLANS, AND CROSS SECTIONS OF RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.24, 783.25; R645-301-323, -301-411, -301-521, -301-622, -301-722, -301-731.

Analysis:

Mine Workings Maps

The Permittee did not meet the minimum requirements of this section. The Permittee must include a map of all known active and abandoned mine workings within the permit boundary. Plate 5-1 does not include the additional 240 acres. Because this is not directly related to the permit area expansion and the urgent need to have the amendment approved the Division will address this issue separately.

Permit Area Boundary Maps

The Permittee did not meet the minimum requirements of this section. The Permittee did not update all maps that show the permit boundaries

Surface and Subsurface Ownership Maps

The Permittee did meet the minimum requirements of this section. The Permittee update the surface and subsurface ownership maps.

Findings:

The information in the proposed amendment is not considered adequate to meet the requirements of this section. Before approval, the Permittee must provide the following in accordance with:

R645-301-521, The Permittee must update Plate 5-1, Previously Mined Areas. The Division incorporated Plate 5-1 into the MRP on October 1998. In 2002, the Permittee discovered additional working but the Permittee never updated Plate 5-1.

OPERATION PLAN

COAL RECOVERY

Regulatory Reference: 30 CFR 817.59; R645-301-522.

Analysis:

The Permittee meet the requirements of this section. The Permittee provided the Division with a copy of the modification to resource recovery protection plan prepared by the BLM. The Division relies on the R2P2 for making findings on coal recovery. The findings in the R2P2 indicate that the addition of the coal lease will enable the Permittee to maximize the amount of coal that they can recover.

Findings

The Permittee met the minimum requirements of this section of the regulations.

SUBSIDENCE CONTROL PLAN

Regulatory Reference: 30 CFR 784.20, 817.121, 817.122; R645-301-521, -301-525, -301-724.

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Analysis:

Renewable Resources Survey

The Permittee met the minimum requirements of this section. The Permittee conducted a renewable resource survey and determined that renewable resources exist in the subsidence area associated with the 240-acre expansion.

Subsidence Control Plan

The Permittee did not meet the requirements of this section. The Permittee needs to place township, range and section lines on the map so that the reader will be able to locate the panels or other similar information. In addition, the engineering seal was not signed.

The Permittee met the minimum requirements of this section. The Permittee agreed to expand the existing subsidence control plan to include the 240-acre expansion.

Performance Standards For Subsidence Control

The Permittee met the minimum requirements of this section. The Permittee is required to meet all performance standards for the 240-acre expansion.

Notification

The Permittee met the minimum requirements of this section. The Permittee will notify all property owners at least six months before mine within the 240-acre expansion.

Findings:

The information in the proposed amendment is not considered adequate to meet the requirements of this section. Before approval, the Permittee must provide the following in accordance with:

R645-301-525.460 and R645-301-512.110, The Permittee must place information on the map in Appendix 5-12 that allows the reader to easily identify the location such as by placing township, range and sections locations. In addition the Permittee must also have the P.E. stamp signed by a registered professional engineer.

MAPS, PLANS, AND CROSS SECTIONS OF MINING OPERATIONS

Analysis:

Mine Workings Maps

The Permittee met the requirements of this section of the regulations. The Permittee update Plate 5-7 to show the location of the areas of future mining associated with the 240-acre expansion.

Findings:

The Permittee met the minimum requirements of this section.

RECLAMATION PLAN

BONDING AND INSURANCE REQUIREMENTS

Regulatory Reference: 30 CFR Sec. 800; R645-301-800, et seq.

Analysis:

General

Since the addition of the 240 acres does not change the reclamation plan, no changes were made to the reclamation plan or the reclamation cost estimate. Because there were no changes to the reclamation plan the Division found that there was no reason to change the bond amount.

Findings:

The Permittee met the minimum requirements of this section.

RECOMMENDATIONS:

The Division should approve the amendment with the following conditions:

- The Permittee must show some readily recognizable location feature on Figure 1 in Appendix 5-12 such as township, range and section. The current map only shows

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township and range. This information is needed to help the reader readily identify the location of the underground workings.

- The Permittee must have the P.E. stamp signed.

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